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8 *Attorneys for Defendants State of California,
by and through its California Highway Patrol;
Commissioner Joseph A. Farrow;
Officer Jose Ortega; and Officer Timothy J. Brown*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 CIVIL DIVISION

14
15 **ESTRELLA LYSANDRA ZAYAS,**

Case No. 3:17-cv-02739

16 Plaintiff,

**STIPULATION TO PROTECTIVE ORDER
AND [Proposed] ORDER**

17 v.

18 **STATE OF CALIFORNIA, ET AL,**

Dept: 5
19 Judge: The Honorable Edward M. Chen
Trial Date: Not yet assigned
20 Action Filed: May 11, 2017

Defendants.

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RECITALS

Pursuant to the requirements of Rule 26, Defendants will produce unredacted copies of California Highway Patrol training manuals that Defendants will provide to their retained experts and may rely upon to support their defenses. Defendants' employer, California Highway Patrol, has agreed to produce unredacted copies of all such writings pursuant to a suitable protective order.

STIPULATION

Therefore, the parties to this action, by and through their respective counsel, hereby stipulate that the following writings (and any other records or documents which the parties stipulate in writing to be subject to this Protective Order) may only be disclosed to plaintiffs, their experts and their counsel:

- Highway Patrol Manual 70.6 - Officer Safety Manual: Chapter 22 – Introduction, General, Guidelines, and Methods of Searching, for *standing searches* only.
 - CHP 202 DUI Arrest Report: File No. 201600340.
 - CAD Log #160416GG04695.
 - MVARS for April 16, 2016, Titles 5, 6, and 7.
 - CHP training materials regarding standing searches incident to arrest, to be designated by CHP.

Production of the documents listed above will be subject to the following conditions and the Court's Protective Order:

1. The documents and their contents may be used by plaintiff and her counsel only in this litigation and may not be used in separate proceedings or actions at this time or in the future without first being obtained through proper discovery procedures or court orders in those separate proceedings or actions.

2. The documents and their contents may not be disclosed, copied, distributed, shown, described, or read to any person or entity (including, but not limited to, media representatives) by

1 plaintiff or her representatives or agents, other than (a) the parties to this litigation; (b) the parties'
2 attorneys, paralegals, and legal office staff in this litigation; (c) the parties' expert consultants in
3 this litigation for purposes of expert consultation and trial testimony preparation; and (d) the court
4 in this action, filed under seal, for purposes of this litigation.

5 3. The plaintiff's expert consultants must sign an acknowledgment and agreement to be
6 bound by the terms of this Protective Order, an executed copy of which will be provided to
7 defendants' counsel within seven (7) days after formal disclosure of such consultants as expert
8 witnesses in this litigation. The acknowledgment and agreement must contain the following
9 language:

10 “As an expert witness for the plaintiffs in this lawsuit, I hereby acknowledge
11 receipt of a copy of the signed Stipulation to Protective Order, and Order, approved
12 and entered by the Court in this action, and I agree to be bound by all terms and
13 conditions in that Protective Order and recognize that I may be personally found in
contempt of Court or subject to other sanctions determined by the Court should I
violate any term or condition in that Protective Order.”

14 4. All documents produced subject to this Stipulation and Protective Order and copies
15 thereof will be clearly marked “Confidential” to indicate that they are subject to this Protective
16 Order.

17 5. All documents produced subject to this Stipulation and Protective Order and copies
18 thereof must be returned to defendants' counsel upon the termination of this litigation.

19 6. This Protective Order does not in any way affect or prejudice the right of any party at
20 the time of trial or other proceedings in this action to object to the use or admissibility of said
21 documents at the trial or in other proceedings.

22 7. Any writings or other documents stipulated in writing by the parties to be confidential
23 and marked “Confidential,” and produced prior to the date the Protective Order is signed by the
24 Court, shall also be subject to all terms of this Stipulation and Protective Order.

25 8. If any party intends to file a motion that includes as an exhibit any writing(s) subject
26 to this protective order, that party must file the writing(s) under seal pursuant to Northern District
27 Civil Local Rule 79-5.

1 9. Violation of this Protective Order by any party or any other person, including but not
2 limited to any party's expert witnesses and consultants, will result in sanctions to be determined
3 by the Court upon application by any other party.

4 **SO STIPULATED:**

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6 Dated: August 10, 2017

LAW OFFICES OF PANOS LAGOS

7
8 /s/Panos Lagos
9 Panos Lagos, Esq.
10 Attorney for Plaintiff,
11 ESTRELLA LYSANDRA ZAYAS

12 Dated: August 9, 2017

XAVIER BECERRA
13 Attorney General of California
14 JEFFREY R. VINCENT
15 Supervising Deputy Attorney General

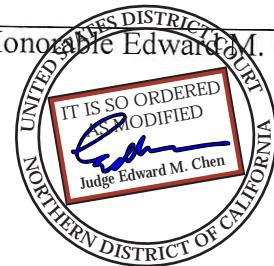
16 *Kymberly E. Speer*
17 KYMBERLY E. SPEER
18 Deputy Attorney General
19 Attorneys for Defendants State of
20 California, by and through its California
21 Highway Patrol; Commissioner Joseph A.
22 Farrow; Officer Jose Ortega; and Officer
23 Timothy J. Brown

24 **ORDER**

25 So ordered. Parties shall show cause why CHP training materials
26 must remain confidential. Parties to file briefing

27 Dated: August 14, 2017 by 8/21/17.

28 Honorable Edward M. Chen



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